

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 1148

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO CULTURAL AFFAIRS; BROADENING MEMBERSHIP IN THE FORT STANTON DEVELOPMENT COMMISSION; DEFINING POWERS AND DUTIES OF THE FORT STANTON DEVELOPMENT COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] FINDINGS.--The legislature finds that:

A. Fort Stanton was established on May 4, 1855 and has been in continual use for over one hundred fifty years;

B. Fort Stanton is the only intact military fort in New Mexico built before the civil war and is one of the best-preserved military forts in the southwest;

C. the one thousand three hundred twenty-six acres at Fort Stanton owned by the state retain outstanding historical, natural and recreational resources, including nine

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1 of the original structures dating to the military era, the
2 remains of a World War II internment camp, extensive cultural
3 resources related to Native American habitation and use of the
4 area and other significant resources;

5 D. one hundred ninety-five acres of Fort Stanton
6 comprise the Fort Stanton historic district listed in the New
7 Mexico register of historic properties; and

8 E. the protection, preservation and use of Fort
9 Stanton for present and future generations are in the best
10 interest of the state.

11 Section 2. [NEW MATERIAL] FORT STANTON STATE MONUMENT.--

12 A. At such time as Fort Stanton is designated as a
13 state monument pursuant to Section 18-6-7 NMSA 1978, it shall
14 be managed under the trusteeship of the museum board of regents
15 of the museum of New Mexico, in a manner that is compatible
16 with the policies, duties and responsibilities of the Fort
17 Stanton development commission. The commission shall enter
18 into a written agreement with the museum board of regents of
19 the museum of New Mexico so that the regents, acting through
20 the cultural affairs department, may implement a management
21 plan proposed by the commission pursuant to the provisions of
22 Section 9-6-13 NMSA 1978.

23 B. The lands and facilities within Fort Stanton
24 that are not transferred to the ownership and jurisdiction of
25 the museum board of regents of the museum of New Mexico shall

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1 continue to be owned and maintained by the general services
 2 department. The museum board of the regents of the museum of
 3 New Mexico may accept responsibility for additional historic
 4 resources and grounds at Fort Stanton at the request of the
 5 Fort Station development commission and approval of the museum
 6 board of regents of the museum of New Mexico.

7 Section 3. Section 9-6-12 NMSA 1978 (being Laws 2003,
 8 Chapter 126, Section 1) is amended to read:

9 "9-6-12. FORT STANTON DEVELOPMENT COMMISSION--CREATED.--

10 A. There is created the "Fort Stanton development
 11 commission", which shall be administratively attached to the
 12 [~~office of~~] cultural affairs department.

13 B. The commission shall consist of [~~seven~~] fifteen
 14 members selected as follows:

15 (1) the chair of the Lincoln county commission
 16 or the designee of the chair;

17 (2) the mayor of the village of Ruidoso or the
 18 designee of the mayor;

19 (3) the secretary of energy, minerals and
 20 natural resources or the designee of the secretary;

21 (4) the secretary of economic development or
 22 the designee of the secretary;

23 (5) the secretary of tourism or the designee
 24 of the secretary;

25 (6) the secretary of general services or the

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1 designee of the secretary;

2 (7) the secretary of veterans' services or the
3 designee of the secretary;

4 (8) the secretary of cultural affairs or the
5 designee of the secretary;

6 [~~(4)~~] (9) the state historic preservation
7 officer or the designee of the officer; and

8 [~~(5) three~~] (10) six members at large who are
9 residents of Lincoln county and are appointed by the [~~governor~~]
10 Lincoln county commission.

11 C. The [~~chairman~~] chair of the commission shall be
12 elected annually from among the commission membership and shall
13 be a resident of Lincoln county.

14 D. [~~Appointed members~~] The six appointed members at
15 large shall serve for terms of six years each but the initial
16 appointment shall be for two, four and six years to accomplish
17 staggered terms. Vacancies in an appointed member's seat shall
18 be filled for the remainder of the unexpired term in the same
19 manner as the original appointment was made.

20 E. Appointed members shall receive no compensation
21 but may be paid per diem and mileage as provided for
22 nonsalaried officers in the Per Diem and Mileage Act."

23 Section 4. Section 9-6-13 NMSA 1978 (being Laws 2003,
24 Chapter 126, Section 2) is amended to read:

25 "9-6-13. DUTIES AND POWERS.--

1 ~~[A. The Fort Stanton development commission shall]~~

2 A. Except as provided in Subsection B of this
3 section, the Fort Stanton development commission shall:

4 (1) ensure the protection, maintenance,
5 rehabilitation, repair, interpretation, leasing and improvement
6 of property within Fort Stanton;

7 (2) exercise its duties in such a way as to
8 protect the historic, cultural, archaeological, geologic,
9 environmental and recreation assets at Fort Stanton;

10 (3) develop statewide interest in Fort Stanton
11 and develop and implement a comprehensive plan for the most
12 appropriate and beneficial use of Fort Stanton to include
13 historic preservation, adaptive reuse and compatible economic
14 development activities that may generate revenue that can be
15 utilized to preserve and maintain the fort and its programs.
16 All revenue and income generated from the activities of the
17 commission shall be deposited in the Fort Stanton development
18 fund;

19 (4) assess and recommend all uses of the
20 buildings and grounds at Fort Stanton to the museum board of
21 regents of the museum of New Mexico or the general services
22 department;

23 (5) ensure that any adaptive reuse or
24 development has minimal impact on the historic core of the fort
25 and meets historic preservation goals and standards;

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1 (6) subject to the provisions of Chapter 13,
2 Article 6 NMSA 1978, have the authority to negotiate and enter
3 into such agreements, leases, contracts and other arrangements
4 with any person, including entities of federal, state and local
5 governments as are necessary and appropriate to carry out its
6 authorized activities. Any state agency may expend funds at
7 Fort Stanton consistent with the provisions of this 2007 act.
8 The commission shall establish procedures for lease agreements
9 and other agreements for use and occupancy of Fort Stanton
10 facilities and grounds, including a requirement that in
11 entering into such agreements, the commission shall seek
12 reasonable competition pursuant to the Procurement Code.

13 ~~[(1)]~~ (7) plan, assemble, dispose of and
14 acquire furnishings, art, landscaping materials and plants and
15 other decorations for the public areas of Fort Stanton; and

16 ~~[(2)]~~ (8) monitor and report annually on the
17 status of maintenance of Fort Stanton and recommend to the
18 museum board of regents of the museum of New Mexico and to the
19 legislature actions necessary to repair, maintain and renovate
20 the grounds and improvements [~~and~~

21 ~~(3) develop statewide interest in Fort Stanton~~
22 ~~and develop a comprehensive plan for the most appropriate and~~
23 ~~beneficial use of Fort Stanton].~~

24 B. The provisions of Section A of this section
25 affecting that portion of Fort Stanton designated as the Fort

1 Stanton state monument shall be subject to approval of the
2 museum board of regents of the museum of New Mexico.

3 [B-] C. The commission may:

4 (1) utilize the assistance of individuals, the
5 [~~office of~~] cultural affairs department, other state agencies
6 and nonprofit charitable corporations in carrying out its
7 duties;

8 (2) accept on behalf of the state from any
9 private or other public sources money, gifts, donations and
10 bequests for use by the commission in carrying out its duties;
11 and

12 (3) enter into public promotions of its
13 endeavors and publish such materials as it deems appropriate to
14 promote the purposes of the commission."

15 Section 5. Section 9-6-14 NMSA 1978 (being Laws 2003,
16 Chapter 126, Section 3) is amended to read:

17 "9-6-14. TRUST FUND CREATED.--The "Fort Stanton
18 development fund" is created in the state treasury. The fund
19 shall consist of all revenue, income, gifts, donations and
20 bequests of money to the Fort Stanton development commission as
21 well as any appropriations made to the commission. Earnings
22 from the investment of the fund shall be credited to the fund.
23 Expenditure from the fund shall be made only for the purposes
24 for which the commission was created pursuant to vouchers
25 signed by the [~~chairman~~] chair of the commission on warrants

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1 issued by the secretary of finance and administration."

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